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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 21-Oct-2021**

**Subject: Planning Application 2021/92945 Demolition of existing buildings and erection of day care facility, centre of excellence and demonstration bungalow, formation of associated parking and landscaping, alterations to pedestrian access and formation of new pedestrian access to Knowl Park from Crowlees Road Knowl Park House, Crowlees Road, Mirfield, WF14 9PP**

**APPLICANT**

Liz Ewbank, Kirklees  
Council, Capital  
Development & Delivery  
Team

**DATE VALID**

27-Jul-2021

**TARGET DATE**

26-Oct-2021

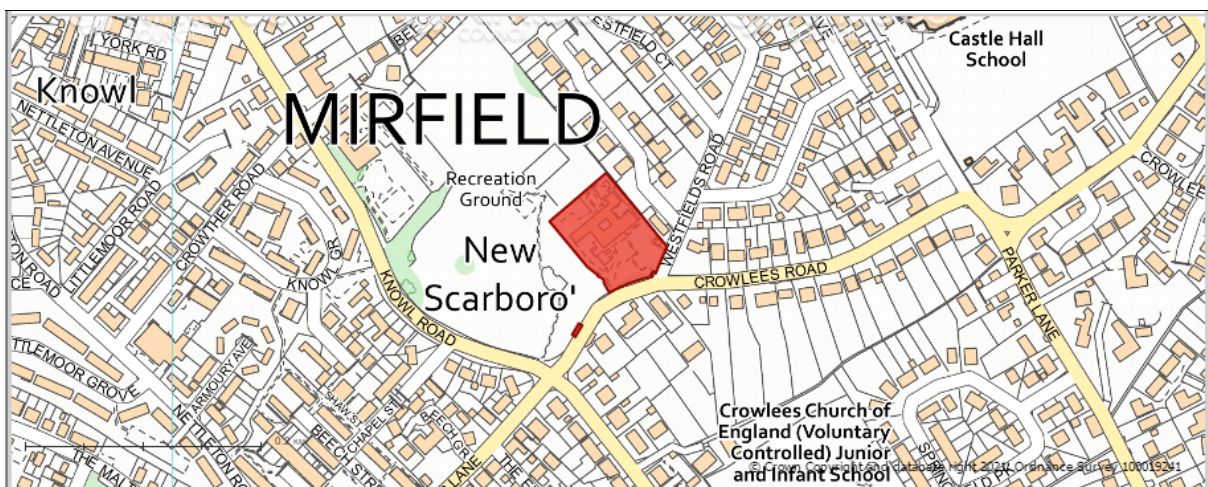
**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected:** Mirfield

**Ward Councillors consulted:** Yes

**Public or private:** Public

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## **RECOMMENDATION**

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

### **1.0 INTRODUCTION**

- 1.1 This is an application for full planning permission for the demolition of the existing buildings on site and the erection of a new adult day care facility, with centre of excellence and demonstration bungalow. Other works include associated car parking, landscaping and formation of a new pedestrian access to Knowl Park from Crowlees Road.
- 1.2 The application is brought to the strategic planning committee, in accordance with the Delegation Agreement, because part of the site falls within land allocated as Urban Green Space, therefore representing a departure from the development plan, and has a site area over 0.5ha.

### **2.0 SITE AND SURROUNDINGS**

- 2.1 Knowl Park House is a former residential care home constructed between the 1950s and 60s. It consists of a main building that has single and two storey elements, offering 1403sqm of floor space, within grounds of circa 0.5ha. It can accommodate 25-day care places with 15 staff. There is both car parking and garden space to the front and rear of the building, with the whole site being surrounded by mature trees.
- 2.2 The site is accessed from Crowlees Road, to the south. To the west is Knowl Park, an urban park hosting open fields, play area, and sports equipment. The area is predominantly residential, with dwellings to the immediate north, east and south.
- 2.3 The application's boundary extends into two parts of Knowl Park, each along the park's frontage with Crowlees Road.

### **3.0 PROPOSAL**

- 3.1 The existing building is to be demolished. It is to be replaced by a purpose-built dementia day-care facility, with centre of excellence. The centre of excellence will offer staff and visitor training accommodation, an assisted technology area to showcase the latest technology, and a demonstration bungalow. This will be contained in a single building, one storey in height, with 1,218sqm of floor space with garden to the rear. An illuminated sign is proposed to the front of the building, stating 'Knowl park House – Day Care Centre'. Solar panels are proposed on parts of the roof.

- 3.2 The rear gardens are to be landscaped and host several seating areas and outbuildings. The outbuildings include an activity pod (6.0m x 3.3m footprint, 2.5m height). There will also be an outdoor utility area hosting a steel sprinkler tank (height 4.5m, diameter 5.6m) and pump house (3.2m squared base, height 2.4m).
- 3.3 To form a level surface, ground works are proposed around the site. As a result, the new building and gardens will be, at the extreme, on a ground level circa 1m below the existing with modest retaining walls adjacent the north-east and north-west boundaries.
- 3.4 The proposal includes 22 parking spaces, including two dedicated disabled bays. There is also drop-off and turning facilities for mini-buses. Parking for 16 bikes will be provided.
- 3.5 The site's existing access is to be widened. This requires land currently part of Knowl Park. As this will remove an access point into the park, the proposal includes improving an existing informal access point further to the south. This, and other works within the site, will require the removal of several trees.
- 3.6 Staff places are to remain at 15 full time.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history)**

##### 4.1 Application Site

90/06953: Alterations and extensions to existing aged persons home – Approved

96/93722: Erection of single storey office extension – Approved

2014/90918: Prior notification for proposed demolition of building – Approved

##### 4.2 Surrounding Area

###### *11, Westfields Road*

2015/90633: Change of use from B1(a) Office to C3 residential and single storey rear extension – Approved

###### *Westfield Assessment Centre*

2016/91486: Erection of 22 dwellings – Withdrawn

2017/90661: Erection of 14 dwellings – Approved

2018/93461: Variation of condition 2 (plans and specifications) on previous permission no. 2017/90661 for erection of 14 Dwellings – Approved

###### *5, Knowl Park Gardens*

2020/93678: Erection of detached building for home work/storage and removal of one protected tree – Refused

2021/92544 - Erection of detached building for home work/storage and removal of one protected tree – Pending Consideration

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)**

5.1 The development was subject to a pre-application enquiry. This included a (virtual) meeting between planning officers and the applicant. In summary, officers were overall supportive of the scheme, however advised that further information should be provided to justify the departure from Urban Green Space policy.

5.2 The submitted application is predominantly the same as submitted at pre-application stage although with further supporting information. More detailed plans on the outbuildings within the garden were requested and submitted. Consultation responses have been positive and negotiations have been limited.

## **6.0 PLANNING POLICY**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

[Kirklees Local Plan \(2019\) and Supplementary Planning Guidance / Documents](#)

6.2 The existing care home and its curtilage is unallocated land within the Kirklees Local Plan. The red line encroaches into the neighbouring Knowl Park, which is allocated as Urban Green Space.

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP30** – Ecology and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP49** – Education and health care needs
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban Green Space

- 6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

#### *Supplementary Planning Documents*

- Highways Design Guide SPD (2019)

#### *Guidance documents*

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

#### National Planning Guidance

- 6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

#### Climate change

- 6.6 The Council approved Climate Emergency measures at its meeting of full Council on the 16<sup>th</sup> of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.7 On the 12<sup>th</sup> of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## 7.0 PUBLIC/LOCAL RESPONSE

### *The applicant's statement of community involvement*

- 7.1 The application is supported by a statement of community involvement. The applicant did not undertake a public engagement exercise (i.e. a letter drop). However, the following statement is given:

*The Adults Capital Programme Team has co-produced this project with a range of partners, stakeholders and other services in health and social care. In particular, the staff team at Knowl Park House have supported and listened to hundreds of service users and families with a range of different types of dementias exhibiting a wide range of needs. They have regularly fed in this vital learning around what works for people with dementia needing day care and what doesn't work, which has directly influenced the design of this building.*

*As part of the drive for continuous improvement and development of this site, over the last 2 years, the capital team have collaborated closely with a range of professionals to ensure that an exemplary level of dementia design elements are embedded throughout this scheme. This includes Stirling University's Dementia Services Development Centre who have an international reputation for dementia design. They have worked closely with occupational therapists, movement and handling advisors, colleagues in Adult Social Care (Operational and Commissioning), liaised with Unions, the CCG's, SWyT, Children's Services, Calderdale and Kirklees Alzheimer's Society, and have continued to raise awareness at various senior management and leadership meetings across the council. They have regularly updated ward councillors and have continued to take on board feedback and made amendments to the design where appropriate to ensure there is a shared approach to the whole process.*

*Opportunities have regularly been provided for people with dementia and professionals to influence and shape this development by regular contact with the Kirklees Dementia Practitioner's Forum, The Kirklees Dementia Engagement and Empowerment Project and the Kirklees Dementia Friendly Communities Steering Group (people with dementia, carers, families, local organisations and council services). This gave the opportunity for people and organisations to influence the development of the design brief which is a well-informed approach and is firmly based on the experiences and outcomes of people with dementia and their families and the professionals who support them.*

### *The planning application's public representation*

- 7.2 The application has been advertised as a major development, and as a departure, via site notices and through neighbour letters to properties bordering the site. It has also been advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.
- 7.3 Following the submission of additional plans pertaining to the rear outbuildings the application was re-advertised to neighbouring residents. The final public representation period expired on the 11<sup>th</sup> of October 2021.

7.4 One public representation has been received. The following is a summary of the comments made:

- The development will lead to overshadowing, overbearing and overlooking of neighbouring properties.

7.5 The site falls within Mirfield Ward. Local councillors were notified of the proposal. Cllr Vivien Lees-Hamilton responded confirming her full support of the proposal.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

K.C. Lead Local Flood Authority: No objection subject to condition.

K.C. Highways: No objection subject to condition.

The Coal Authority: No objection subject to condition.

Yorkshire Water: No objection subject to condition.

### **8.2 Non-statutory**

K.C. Crime Prevention: No objection, with advice offered to the applicant on how to maximise the site's security.

K.C. Ecology: No objection subject to condition.

K.C. Environmental Health: No objection subject to condition.

K.C. Landscape: Are pleased that the landscape scheme retains sufficient existing trees to ensure the quality of the area and local character are retained and enhanced by significant additional planting. However, the proposed landscaping layout includes potentially invasive species. These should be removed. Beyond this, no objection subject to condition.

K.C. Public Health: No objection.

K.C. Trees: No objection subject to condition.

## **9.0 MAIN ISSUES**

- Principle of development
- Sustainable development and climate change
- Urban design
- Residential amenity
- Highway
- Drainage
- Planning obligations
- Other matters
- Representations

## 10.0 APPRAISAL

### Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

### *Land allocation*

- 10.2 The existing Knowl Park House and its curtilage are unallocated land within the Kirklees Local Plan. Development upon unallocated land is acceptable, subject to consideration of the local impacts and material considerations. The neighbouring Knowl Park is Urban Green Space (UGS), where development is restricted.
- 10.3 Knowl Park House's current access is substandard, consisting of a single width carriageway and a narrow pavement. It is proposed to be widened and improved to modern standards as part of the re-development of the site. The access improvements are deemed necessary to enhance highway safety and efficiency. The access may be widened either through taking land from within the site or the adjacent Known Park. This is complicated by the presence of mature trees to each side of the access.
- 10.4 To the east, within the site, is an oak in a good state of health. To the west, within Knowl Park and the UGS, is a hawthorn in a fair state. Neither is protected by a TPO. The hawthorn is a smaller tree and has been identified as being in a worse state of health. The oak is considered to provide a much higher level of public amenity and has a longer expected lifespan. The applicant concluded the removal of the hawthorn and encroaching into the UGS was more appropriate, which planning and trees officers concur with.
- 10.5 Policy LP61 restricts development within UGS, bar certain exemptions. The proposed development that affects the UGS, to take land to widen an access serving an adjacent building, does not fall within these exemptions. The proposal is therefore in breach of LP61. The encroachment into the UGS to facilitate the access widening is circa 33sqm. The area of the park that would be lost includes a pedestrian access into Knowl Park. In mitigation the application includes a nearby informal access (35m to the west) being formalised and upgraded.
- 10.6 In terms of alternatives, the formation of a wholly new access is not an option: given the density of trees along the frontage another high quality / value tree would be lost, and the new access would be too close to the Westfield Road / Crowlees Road junction.



- 10.7 Weighing up these aspects, officers consider that the benefits of the improved access with the oak being retained outweighs the harm caused through the loss of the hawthorn and to the Urban Green Space. As such, while the proposal is a departure from LP61, material considerations allow for the principle of development to be supported.
- 10.8 The provision of the replacement pedestrian access into Knowl Park is recommended to be secured via condition.

*Health care development*

- 10.9 Policy LP49 of the Kirklees Local Plan outlines the general principles for assessing health care needs developments. These are as follows:

*Proposals for new or enhanced healthcare facilities would be permitted where:*

- a. the scale and location is appropriate for the catchment;*
  - b. there is a need for a new healthcare facility, particularly in relation to the spatial development strategy;*
  - c. they are well related to the catchment they would serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.*
- 10.10 The proposal is to replace an existing facility which has reached the end of its functional life and is no longer fit for purpose. The current building is suffering from deterioration and is expensive and difficult to maintain. In addition, the heating and general maintenance costs are increasing and are inefficient in some areas. The current layout reflects their former residential status which is not ideally suited to the management and provision of dementia day care. The existing building has a footprint, across two floors, of 1,403sqm and may accommodate 25 day-care places.
- 10.11 The applicant has worked with Stirling University, a leader in dementia research, to conceive the proposed design. The building and outside facilities have been designed in accordance with best practice for addressing dementia needs. It will provide 1,218sqm of floor space and will retain a maximum capacity of 25 spaces. In addition to this it will host the 'centre of excellence' - to host staff and visitor training accommodation, an assisted technology area to showcase the latest technology, and a demonstration bungalow.
- 10.12 The proposal seeks to replace existing facilities with enhanced ones to address modern needs. This being the case, the proposal is deemed consistent with the aims and objectives of LP49(a) and (b). The considerations of LP49(c) would be assessed within the highway assessment of this report. In summary there is considered to be no conflict with LP49(c). Accordingly, the proposal is considered to comply with LP49 and the principle of development is acceptable.

### Sustainable development and climate change

- 10.13 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.14 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change.
- 10.15 The application is supported by a Sustainability & Energy Strategy. This details how energy usage, particularly reductions, have been considered in the design. This includes the incorporation of photovoltaics panels to lower the carbon impact. As part of the developments energy strategy the building has been assessed against BRE's Environmental Assessment Method Energy Criteria. The report demonstrates that it is possible to achieve up to 5 credits when assessed under BREEAM ENE 01 (Excellent status) and a total of 11 credits under the entire Energy section. These factors are noted and weight in favour of the proposal.

### Urban Design

- 10.16 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.
- 10.17 The existing building's appearance is dated, unattractive, and does not positively contribute to the character of the area. Its removal is not opposed. The site does however have an overall spacious and verdant setting, which does contribute to the area and is a desirable feature to retain.
- 10.18 First considering the scale and massing of the proposed building, that shown is considered commensurate to the size of the site and would sit comfortably within the land available, having an overall low prominence. In terms of layout, the proposal would bring the built development's further forward (to Crowlees Road) than the existing structure, but not significantly so. Good separation distances would be retained between the building and the site's boundaries, importantly Crowlees Road / Westfield Road.
- 10.19 Regarding architectural form of the building, that proposed would have a contemporary design that characteristic of modern healthcare facility and clearly denotes its function. It would not replicate the architectural form of either the building to be demolished or others in the surrounding area. However, it is well designed and visually attractive. Furthermore, the building's prominence in the streetscene would be limited due to the building's low

profile, set back from the road, and the mature trees on the boundary to Crowlees Road / Westfield Road. The proposed building is mainly to be faced in natural stone, the predominant material in the area. This is welcomed, although samples and coursing details are to be secured via condition. Feature cladding is used to add areas of interest and break up otherwise large stone expanses. Glazing is used to a similar effect. The roof form has been designed to keep the massing of the structure down. Again, while not a form typical to the area, that proposed has been well considered and is visually appropriate for the scheme. Overall, the building's design, while it does not reflect the architectural form of the area, it is visually attractive and well designed and would it appear incongruous within the setting.

- 10.20 An illuminated sign is proposed at the front, stating the name of the building. The design is subtle and, subject to the illumination being modest, its inclusion is not opposed. A lighting strategy to include the sign is recommended (considered further in paragraph 10.32).
- 10.21 For landscaping, the mature trees along the site's the frontage will be retained. These trees are attractive and offer a high level of public amenity. However, the proposed development will require the removal of 14 existing trees and one group of trees from within the site and along the north-east boundary. These are less visible from outside the site and offer limited public amenity. None of the trees on site currently benefit from Tree Preservation Orders. The proposed landscape layout provides a good range of hard and soft for the visitors to the facility. It is welcomed that scheme retains sufficient existing trees to ensure the quality of the area and local character are retained and enhanced by significant additional planting. The loss of these internal trees is, on balance, supported. An arboricultural method statement has been provided that details protection of the trees to be retained: a condition stipulating its provisions must be adhered to is recommended.
- 10.22 As noted within the principle of development section one tree, a Hawthorn, is to be removed from Knowl Park. With due regard to the reasoning for the tree's removal, as outlined in paragraphs 10.3 – 10.8, its loss is not considered unduly harmful to local character.
- 10.23 There are no heritage assets within the vicinity of the proposal.
- 10.24 The proposed works would notably change the character and appearance of the site and wider area. However, as existing, the existing building on site is considered unattractive although its setting is of value. The proposed development is considered to be well designed and would retain the verdant character the site currently benefits from. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP.

#### Residential Amenity

- 10.25 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.26 The representation received has raised concerns of potential overshadowing, overlooking and overbearing upon the properties to the north. No.1 and no. 5 Knowl Park Gardens share the north boundary with the site. Particularly, the new building will move closer to no. 1 Knowl Park Gardens compared to that

existing, and will align with their garden space. By virtue of their respective layout, orientations and that the development will be on a lower land level and single storey, neither will suffer from an overbearing impact from the proposed building (or its ancillary structures).

- 10.27 For overshadowing, no. 1's rear windows face north-west. However, the new building will be to the immediate south-west of their garden space. A shadow plan has been provided. It demonstrates that, discounting other features (trees and boundary fencing) overshadowing may occur in the afternoon (3pm) of winter months. For context, sunset on the winter solstice (when the sun is at its lowest) is 3.53pm. No. 1's garden will already receive a level of overshadowing in the winter from their fence and the vegetation along their south boundary. By virtue of the sun's height in the sky, there will be no overshadowing caused during summer, and spring / autumn afternoon shadowing will be less than that caused by the site's existing boundary wall. Given the limited period of possible shadowing expected, and that it would not be substantially greater than what already occurs, along with the reduced expectation for garden use in the winter, officers are satisfied that material harm would not be caused to no. 1's occupiers.
- 10.28 There are no concerns of overshadowing pertaining to no. 5 Knowl Park Gardens, which is further removed compared to no. 1.
- 10.29 As a single storey structure with a solid boundary treatment with thick vegetation, opportunities for overlooking towards no. 1 and no. 5 Knowl Park Gardens from the proposed building would be limited. The new building and garden will be on a lower ground level than the neighbouring dwellings, and the garden will have a secondary 2.1m high fence around its perimeter. However, the side facing windows of the demonstration bungalow align with no.1's garden space and will presumably have a high volume of movement within. The shared boundary fence with no.1 is slatted, therefore allowing for penitential overlooking, albeit restricted. It is therefore recommended that the side facing windows of the demonstration bungalow be obscure glazed.
- 10.30 Regarding noise, the current site has no hours of use. The proposed development has a wider use, including the care-home element as well as the centre of excellence. Given this expanded use and the site being within a residential area, hours of use are deemed necessary. These are recommended as 0600 – 2200, 7 days a week, and have been agreed by the applicant. Furthermore, the development will have plant equipment on the roof. Another condition is recommended limiting the combined noise from plant the plant at nearby dwellings.
- 10.31 The site is to include dining and kitchen areas for the service users and therefore will involve the preparation and cooking of food. As there is existing residential amenity nearby, there is the potential to generate odours that may have an adverse impact on the amenity at nearby properties. K.C. Environmental Health therefore advise that a condition for a kitchen extractor strategy be provided. This is deemed reasonable and is recommended by officers.
- 10.32 A preliminary lighting strategy has been provided. While not opposed in principle, as a preliminary plan it is subject to change. This includes an illuminated sign on the front elevation. In the interest of preventing undue lighting pollution a condition for a complete lighting strategy is recommended.

- 10.33 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.34 To summarise, the proposed development is not considered detrimental to the amenity of neighbouring residents. Subject to the proposed conditions, the application is deemed to comply with LP24 of the Kirklees Local Plan.

#### Highway

- 10.35 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.36 As the site is already run as a care home, the use class is established. The proposal will reduce the amount of built floorspace at the site (by -185sqm). While the proposed development includes additional functions (the centre of excellence), ultimately the proposed development is not expected to materially increase traffic demand or movements on the surrounding network. Given the circumstances, K.C. Highways officers principal consideration whether the design has any detrimental impact on highway safety.
- 10.37 It is proposed to upgrade and widen the existing vehicular access on Crowlees Road from 4m to 6m. The increased width of access will allow for safer two-way vehicle movements in and out of the site. It is also proposed to provide a 2m wide footway to the vehicular access, to improve pedestrian movements to and from the main building. The widening will not affect the established sightlines, which are considered acceptable. Overall, the access widening is a positive highways enhancement.
- 10.38 For internal arrangements, the proposed carriageway width has been designed based on vehicular tracking and to ensure safe two-way movements of all anticipated vehicles at any one point in time; swept-path analysis of various types of vehicles entering and exiting the site in a forward gear have been submitted and are acceptable. As a non-residential use waste collection will be a via private arrangement: based on the submitted details there is no indication appropriate waste collection cannot be achieved. Off-street car parking will increase from 18 spaces to 24 spaces. Improved mini-bus parking and drop off facilities will also be provided. The fall in floor space and increase in parking facilities raises no parking concerns.
- 10.39 In regards to sustainable travel, opportunities for this are limited for this development due to its purpose. Attendees will typically be brought via mini-bus, or dropped off by family, with public transport being less practical. Cycle storage for 16 bikes is proposed which may be used for staff and/or able visitors. Given this, and that the proposal has a net loss of floor space, a travel plan is not considered necessary for this development.

- 10.40 It is recommended that the implementation of the proposed highway arrangements be secured by condition. Also, given the scale and nature of the development, officers recommend a Construction Management Plan be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works.
- 10.41 In summary, officers are satisfied that the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan.

#### Drainage

- 10.42 The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.
- 10.43 The site is within Flood Zone 1 and there are no watercourses within or in proximity to the site. There are therefore no fluvial flooding concerns for this development.
- 10.44 Foul drainage is to be via combined sewer, which is acceptable. For surface water drainage, as a brownfield site policy LP28 seeks a 30% betterment in surface water run-off to the existing discharge point. The proposed drainage strategy, including discharge rate and attenuation size, indicates that this is achievable and is not objected to by either the LLFA or Yorkshire Water. Nonetheless, to enable flexibility through the development process, the LLFA advise that the submission of full technical details be secured via condition.
- 10.45 The ongoing management and maintenance of the development's drainage and attenuation features, to ensure their ongoing safety and efficiency, is recommended to be secured via condition. Details of temporary surface water drainage arrangements, during construction, are also recommended to be secured via a condition. Finally, interceptors are proposed: a condition for full details on their details and use is recommended.
- 10.46 Considering the above, subject to the proposed conditions the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29.

#### Other Matters

##### *Air quality*

- 10.47 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.48 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.

Given the scale and nature of the development officers seek the provision of electric vehicle charging points, amounting to 10% of new parking spaces, is sought. The purpose of this is to promote modes of transport with low impact on air quality.

- 10.49 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

#### *Contamination and coal legacy*

- 10.50 The applicant has submitted Phase 1 and Phase 2 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 has been accepted; however, the Phase 2 provides inadequate information for Environmental Health to support their conclusion. Accordingly Environmental Health recommend conditions relating to further ground investigations.
- 10.51 Further to the above, the site partly falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The application is supported by a Coal Mining Risk Assessment which has been reviewed by the Coal Authority.
- 10.52 The report considers that ground stabilisation works should not be required prior to the re-development of the site. However, it highlights that a further borehole investigation will be required once the existing care home building has been demolished to confirm that the site is unaffected by unrecorded shallow mining legacy. This approach is welcomed by the Coal Authority, who support the application subject to conditioning the further survey work and any required remediation / validation reports.
- 10.53 Subject to the recommended conditions being imposed, the proposed development is deemed to comply with Policy LP53.

#### *Crime Mitigation*

- 10.54 The Council's Designing Out Crime Officer has reviewed the proposal. He confirms no objection to the principle of the development. He has provided advise on methods to maximise crime mitigation, which have been shared with the applicant but are beyond the scope of the planning system. The proposal is therefore considered to comply with the aims of LP24(e).

#### *Ecology*

- 10.55 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.56 The application is supported by an Ecological Assessment. It identified that the buildings on-site have low potential for roosting bats however subsequent activity surveys did not identify any roosting bats within the buildings. The assessment concludes that with the incorporation of mitigative measures, significant ecological impacts can be avoided. A condition to limit vegetation removals during bird nesting season will be required to ensure the recommendations of the report are incorporated. Subject to this, the proposed development is not deemed detrimental to local ecology.

- 10.57 Notwithstanding the above, all developments are expected to demonstrate a net gain to ecology, in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. The applicant has undertaken the metric calculations and concluded, post on-site interventions, a net gain of 15.80% habitat units and 31.14% hedgerow units. The provision of the identified net gain along with specifics of how it would be achieved and thereafter retained for a minimum of 30 years, is recommended to be secured via a condition for a Biodiversity Enhancement Management Plan (BEMP). This may include features such as bat boxes and hedgehog holes amongst others. Subject to this condition, officers and K.C. Ecology consider the proposal to comply with the aims of LP30 of the Kirklees Local Plan.
- 10.58 Notwithstanding comments regarding the proposed landscaping in paragraph 10.21, several of the proposed species are classified as potentially invasive. It is therefore recommended that a condition be imposed requiring an updated landscaping plan with the potentially invasive replaced with suitable alternatives.

#### *Minerals*

- 10.59 The site is within wider mineral safeguarding area (SCR with Sandstone and/or Clay and Shale). Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, the provision / retention of health facilities) for it. The proposal is therefore not considered to conflict with LP38.

#### Representations

- 10.60 One public representation has been received. The issues raised have been addressed within this report.

### **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposed development represents a departure from the development plan, due to the encroachment into the adjacent Urban Green Space. The need for this has been adequately evidenced and the planning merits of the improved access are deemed to outweigh the harm caused by the loss of Urban Green Space. Furthermore, the proposal would represent a net gain to public health in the area. Therefore, the principle of development is found to be acceptable.
- 11.3 Consideration has been given to the identified material planning considerations, which the proposed development adequately addresses. The design and appearance of the proposed development is considered acceptable. There would be no harm to the amenity of neighbouring residents. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and protected trees, have been addressed through the proposal.



11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to the recommended conditions.

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. New access into Knowl Park to be provided prior to old access being closed.
4. Material samples to be provided, including coursing details.
5. Works to be done in accordance with Arboricultural Method Statement
6. Boundary treatment to be as per submitted plan.
7. North facing side windows to be obscure glazed.
8. Hours of use 0600 – 2200, 7 days a week.
9. Limitation on external plant noise.
10. Kitchen extraction / odour assessment.
11. Lighting strategy to be submitted, to include signage.
12. Construction Environmental Management Plan (CEMP) to be submitted and approved.
13. Parking / highways arrangement to be implemented as per the submitted details.
14. Construction Management Plan (CMP) to be submitted and approved.
15. Surface water interceptor details to be provided.
16. Detailed surface water attenuation strategy, with management and maintenance arrangements.
17. Temporary drainage provision during the construction phase
18. Electric Vehicle Charging Point details to be provided
19. Contaminated land conditions from phase 2 onwards.
20. Coal legacy investigation conditions
21. No clearance of vegetation within the bird breeding season
22. Submission of Biodiversity Enhancement Management Plan (BEMP) to secure identified level of net gain.
23. Landscaping strategy to be provided which replaces potentially invasive species

## **Background Papers**

### Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/92945>

### Certificate of Ownership

Certificate A signed.